

**Andover Conservation Commission Meeting Minutes
December 21, 2010**

Town of Andover
36 Bartlett Street
3rd Floor Conference Room
7:45pm

Conservation Commission Members in Attendance:

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Kevin Porter, Commissioner Alix Driscoll, Commissioner Gail Ralston, Commissioner Jon Honea and Commissioner Floyd Greenwood. Staff member present was Robert Douglas, Director of Conservation.

SCHEDULED ITEMS:

5 College Circle

Present in Interest: Brian Salazar

Staff Recommendation: Approve as Neg.3

Public Meeting on the Request for Determination of Applicability filed to determine if the construction of a deck 20'x14' is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under both the WPA and By-Law. The plan submitted is missing contours and sedimentation control line. No waivers have been requested, but Applicant was requested to ask for waiver of contour lines since it is a fairly level lot. This is a "Backyard Project". The Applicant has requested a waiver for contour lines and sedimentation control on the plan. The deck will be built on sona tubes. The lot is very flat and chances of movement of material is almost nil.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve the waivers and Approve as Neg. 3, it was seconded by Commissioner Driscoll and unanimously approved.

**Mass DOT Highway Div.
(Rte. 28 & 125 Interchange)
Present in Interest: Andrea Norton Denzel**

Staff Recommendation: Approve as Neg. 3

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed drainage Maintenance project located at the Route 28 & 125 Interchange is subject to the Massachusetts Wetlands Protection Act.

Mr. Douglas presented this to the Commission. The filing is under the WPA only for routine/general maintenance in a culverted area. There are a total of 9 locations to excavate and clean headwalls and drainage lines and 2 drainage pipes to be replaced. The material will be vacuumed and put into a dump truck and removed from the site. The Commission requested 48 hour notice prior to the start of work for staff to review sedimentation control. The Commission also requested a NOI be filed for future maintenance projects.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Approve as Neg. 3 with 48 hour notice prior to commencement of work and sedimentation control to be reviewed, it was seconded by Commissioner Driscoll and unanimously approved.

**103 Chestnut Street
Present in Interest: Steve Stapinski, Anthony Sakakeeny and Arline Andrukaitis**

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed demolition of existing garage and construction of a new garage and an addition and retaining wall.

Mr. Douglas presented this to the Commission. The filing is under both the WPA and By-Law and no waivers are requested. This is a "Backyard Project". The entire lot is located within the 200 foot Riverfront and the project is 85 feet from Rogers Brook. The rear of the property is the only option for the addition, as the lot is only 85 feet wide. The garage will be removed and attached in the rear, with the setback being the same distance. There will be no activity within the 100 year flood zone. Pervious pavers will be used, and gutters installed for roof infiltration. There is no infiltration now. There is no alternative analysis, could the dwelling be made smaller? The increase in the footprint in such a sensitive area is an issue. Mr. Stapinski informed the Commission that this is an already disturbed area.

Arline Andrukaitis voiced her concern about flooding on her property due to the project and she is concerned about the setback to her lot line. She feels is not corrected on the proposed plan.

The Commission will make a site visit on December 28, 2011 at 10:00am. The alternative analysis will need to be resubmitted.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to January 4, 2011, it was seconded by Commissioner Driscoll and unanimously approved.

165 Haverhill Street

Present in Interest: David Breen, Paul Marchanda

Staff Recommendation: Approve

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the delineation of wetlands.

Mr. Douglas presented this to the Commission. The filing is complete and under both the WPA and By-Law. No waivers are being requested. There is no DEP Approval, the Applicant owes \$12.50, which has been mailed in. The Applicant has made the requested plan revisions, including:

1. Flag B8A has been added between flags B8 and B9 at the toe of the slope which is 10 feet upgradient from a line drawn between the flags B8 and B9;
2. Flags B12, B13 and B14 have been moved upgradient to the toe of the slope at 13 feet, 9 feet and 11 feet, respectively and noted as flags B12R, B13R and B14R;
3. The associated 25 foot no disturb and 100 foot buffers have been adjusted accordingly; and
4. Revision 2 dated December 20, 2010 has been added to the plan.

The leaves blown into the wetland must be removed by hand. This is already being done. The Commission is requesting a review of the intermittent vs. perennial stream.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to continue to a date uncertain, it was seconded by Commissioner Driscoll and unanimously approved.

Taylor Cove

93-97 River Street

Present in Interest: Mick Mueck, Subhash Dandage, Frances Wheeler, Jack Murphy, Robert Gray-Comeau, Tom Bondaruk, and Mick Riendeau

Staff Recommendation: Continue

Continued public hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act for the proposed construction of a portion of a roadway, infiltration basin and three buildings with associated grading.

Mr. Douglas presented this to the Commission. This was continued from November 30, 2010. Continued previously from September 9, 2010 for purposes of commencing the engineering peer review as revised in two phases; staff to draft a proposal for the environmental peer review; and verification on the status of Victoria Place Subdivision by DEP that the Permit Extension Act applies. Ann Marton has pared down her scope of review and has submitted it to the Applicant and Attorney Borenstein for review. The Applicant is requesting a continuance as there was not enough time to review the proposal.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to Continue to January 4, 2011 only on the basis that the Commission receive acceptance of the limited scope in writing prior to the next scheduled meeting. The motion was seconded by Vice Chairman Walsh and unanimously approved.

16 Off Webster Street
Present in Interest: Steve Stapinski

Staff Recommendation: Close the Public Hearing and issue.

Continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetland Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family house and associated site work.

Mr. Douglas presented this to the Commission. This was continued from May 18, 2010 for purposes of rectifying plan deficiencies (plan did not comport to site conditions) and correcting wetland violations. The Applicant needs to confirm that a building permit or ANR has been applied for. An Enforcement Order was previously issued for the widening of the road and removal of flags. The house is outside the 100 foot buffer, but the garage is within the 100 foot buffer by 15 feet. The driveway is outside the 50 foot buffer.

Chairman Cooper asked for a Motion. Commissioner Ralston made a Motion to close the public hearing and issue Order of Conditions based on the Applicant applying for the building permit, it was seconded by Commissioner Driscoll and unanimously approved.

18 Off Webster Street
Present in Interest: Steve Stapinski

Staff Recommendation: Issue "Friendly" Enforcement Order

Continued Public Hearing on the Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a single family house and associated site work.

Mr. Douglas presented this to the Commission. This was continued from May 18, 2010 for purposes of following up on lot lines, application for ANR and/or Building Permit

and correction of plan deficiencies. There is a small triangular wetland that needs to be altered for the driveway within the 25 foot no-disturb. The wetland replication plan has been submitted. The lot lines have been resolved and shown on the new plan as well as trees 10" in caliber. This is a "limited project" for the driveway, however it is too close to the resource area. Commission to make a site visit on January 4, 2011. Steve Stapinski to provide staff with the cost of pavers vs. pervious pavement, distances from the driveway to the wetland and structure to wetland and apply for the Building Permit.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to close the public hearing, it was seconded by Vice Chairman Walsh and unanimously approved.

4 Bancroft Road

Present in Interest: James Berberian

Staff Recommendation: Continue

Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law for the proposed construction of a 1,080 square foot garage.

Mr. Douglas presented this to the Commission. The filing is under both the WPA and By-Law and no waivers are requested. There is no DEP approval. The Applicant has submitted a revised plan showing tree line, sedimentation control line and landscaping details. The work along the street is very near the wetland. The linear bank between South Main Street and the wetland to be extensively landscaped. Infiltration will be provided for runoff. The garage is outside the 50 foot setback. The infiltration needs to be sized, engineering calculations needed as well as a perk test.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to January 4, 2011, it was seconded by Commissioner Greenwood and unanimously approved.

ACTION ITEMS:

5 Haybale Road

Staff Recommendation: Not significant

Consideration of significance of revised site plan to show specific house footprint.

Commissioner Ralston made a Motion to find the change not significant, it was seconded by Vice Chairman Walsh and unanimously approved.

CONSENT AGENDA:

8 Fosters Pond Road

Request from LEC Environmental Consultants to cease inspections and reporting since the site is stable and secure.

Commissioner Ralston made a Motion to cease inspections, it was seconded by Vice Chairman Walsh and unanimously approved.

INFORMATION ITEMS THAT MAY REQUIRE A VOTE:

Extension Permits

Discussion on a “form letter” to be sued in conjunction with a request for an Extension on Orders of Conditions. An automatic extension letter to be mailed due to automatic extension act to people who request an extension. Vice Chairman Walsh, Commissioner Greenwood and Bob Douglas to form a sub-committee to edit the letter to be sent for accuracy of statements.

14 Evergreen Lane

Enforcement Order for unpermitted activities in the Buffer Zone and wetlands on Town Land and at 14 Evergreen Lane. Fill has been brought in, trees taken down and possible contaminated fill put into Town drinking supply. The Board of Health will issue violation with Zoning.

Commissioner Ralston made a Motion to issue the Enforcement Order to cease and desist and provide a restoration plan, it was seconded by Commissioner Driscoll and unanimously approved.

2 Bancroft

Present in Interest: James Berberian

Discuss sediment issue. CDM is working on the chemical analysis of the sediment.

Commission Meeting Packets

Discussion regarding information that is included in the meeting packets. For the next 2 meetings only the front page of Determinations and Appeal information will be provided. The packets can also be picked up to save on the postage.

I-93 South at Putnam Investments

Discussion regarding complaint of tree cutting in the buffer zone. Larry Bruce reported to DEP that there was cutting in the buffer zone to expose the signage. Upon inspection, there was no violations on site.

Foster's Pond Acquisition

Sign 2 copies of the project agreement and Commissioner Driscoll will hand deliver.

The next meeting will be held January 4, 2011 at 7:45pm.

The meeting was adjourned at 10:30pm by Motion of Commissioner Ralston, seconded by Commissioner Driscoll and unanimously approved.

Respectfully submitted by:

**Lynn Viselli,
Recording Secretary**